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**VLADIMIR EMANUILOVICH GRABAR - ONE OF THE FOUNDERS OF
MODERN
INTERNATIONAL LAW**

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Vladimir Emmanuilovich Grabar was a link between the Russian pre-revolutionary and Soviet science of international law; almost 70 years of scientific activity, he created more than 135 works.

Grabar wrote on the history of international law, on the law of war, air law, the regime of the Black Sea straits; they were given a sharp criticism of the German teachings on the law of war and "nationalism" in international law, and at one time advanced the theory of real equality of powers in international relations.

In the science of international law, Grabar is best known as a historian and researcher of the medieval doctrine of international law. But there are few people whose lives and activities would have so many pressing problems of our time intertwined. War and international law, the importance of international law in the life of mankind, the relationship between the great and small powers - these are the main topics of research V.E. Grabar.

The legal issues of the organization of the Soviet diplomatic service and consular relations and the simultaneous in-depth study of the historical past of international law in the West and in Russia are the tasks that he worked to resolve in the last years of his life. In the history of Russian science of international law, Grabar was one of the pioneers who paved the way for research, barely outlined by Danevsky and Korkunov.

V.E. Grabar was born on January 22, 1865 in Vienna, where his mother was passing through, and spent his childhood with his maternal grandfather A.I. Dobriansky near Pryashev in Carpathian Rus.

From 1924 to 1927 V.E. Grabar was a member of the Ukrainian Academy of Sciences. In the "Works of the Ukrainian Academy of Sciences" for 1927 (V-VI) his study "On issues of state and international law in John Mayr's comments to the Peter Lombard Sentences" was published, published in Ukrainian. Grabar revealed here the meaning of a half-forgotten Scottish jurist of the XV-XVI centuries. for the history of international law. Prior to the work of Grabar, the Mayor was noted only by Ernest Nis (the definition of just war). Grabar showed that in the works of the Mayor there is already a whole system of concepts of international law.

Grabar participated in the development of a number of trade agreements and the Consular Charter of 1926. His practical activity is also scientifically reflected in the articles on the structure of the modern international trade treaty, on the theory of jurisdiction of the trading state in modern Italian literature; about the consular charter of the USSR.

It is worth noting that the Consular Charter, in the creation of which V.E. Grabar played a significant role, had a certain influence on Western legislation (the Swedish statute of 1930, "Instructions to the Consuls of the USA" 1933-1934). In this charter for the first time, the duties of the consul in relation to the air fleet were regulated.

In 1920 merits V.E. Grabar was highly appreciated by the state that appointed the scientist a personal pension.

Noting this fact in the order N 250 on the People's Commissariat of Foreign and Internal Trade of the USSR, A.I. Mikoyan wrote: «In releasing Comrade Grabar, according to his desire, from his position as legal adviser to the USSR Commissariat of Commerce, I consider it a duty to note that for a number of years the Commissariat had, in Comrade Grabar, a valuable employee, a highly qualified

specialist in international law, with the constant readiness and complete devotion to the cause of the service worker of the People's Commissariat in the field of international law, and in his work he combined the depth of theoretical and historical knowledge with a thoughtful practical approach to resolved issues. Thank comrade. Grabar for his work in the People's Commissariat and I propose that the Commissariat, in case of the emergence of particularly complex international legal issues in its practice, receive competent advice from Comrade. Grabar.»

Since then, the main attention of V.E. Grabar was aimed at developing issues of medieval doctrine of international law. He seeks to illuminate the period of the "dark ages" and the subsequent flowering of feudalism. This work required an extremely painstaking study of the sources and attracted great attention of specialists in publishing it in parts in 1936 and 1942.

It can be said that the scientific activities of Grabar consisted of five main parts: 1) international law of the XIX-XX centuries: its system and the most important problems of its practical application; 2) the history of international law and its doctrines in the Middle Ages; 3) characteristics of international lawyers of the past and the present (the so-called personalia); 4) the study of the organization of the Soviet apparatus in the field of external relations; 5) the history of Russian science of international law.

As an international student, Grabar is widely known as an editor of the Russian edition of the Liszt course "International law in a systematic presentation". We have in this case a rare example of a creative edition. Already editing the first translation in 1902, Grabar noticed a number of errors and gaps to which he pointed out to the author that Liszt noted in the next German edition of his course. The corrections of these blunders and the addition of the textbook with the materials of the Russian legislation and contracts already in the first editions made up about one third of the text; the last (sixth) edition of 1926 is rightly regarded as a textbook "Grabar - Liszt". Generations of Russian undergraduate and graduate students studied with this manual; it is used to date.

Along with the systematic work on the textbook V.E. Grabar conducted a monographic development of his discipline, and since 1893 he traveled more than once in the summer on scientific missions to France, Italy and Germany.

A close acquaintance with Western science and its method did not turn in Grabar, like many scientists of that time, into a blind bow to her. He saw her weaknesses.

The abstract dogma of Western lawyers also met with criticism from Grabar, who insisted on the need for a lawyer to listen to the voice of life and history, to take into account the change of leadership classes during social development. Grabar insists on the meaning of the "change of classes" in his master's thesis "Roman law in the history of international legal studies.

Elements of international law in the writings of legist XII-XIV centuries. "(Yuriev, 1901). This book has caused numerous responses in Russia and in the

West, and to date, no historian of international law and international relations of this era can do without it.

In 1912, in *The Beginning of the Equality of States in Modern International Law*, Grabar wrote: «It is necessary: regardless of sympathy or non-sympathy for the new practice, state what has already come into life, strengthened in it and has all the signs of vitality. we run the risk of overlooking a lot of things and behind legal formulas that are already outdated, not seeing the real content.»

«Lawyers have a special inclination for such myopia and often find themselves in a situation where they no longer understand the phenomena around them. Let us recall how the 14th century lawyers defended the formula of a world monarchy: when it ceased to exist and new ones appeared on its ruins independent of the empire of the state. The lawyer and the historian look and see differently. To the lawyer, adherence to the old obsolete formulas is forgivable. By virtue of his position, he used to: fit life phenomena into the learned and recognized legal frameworks and formulas. But the historian and observer of contemporary social life must not do so. He must catch in the general flow of life all those currents that can, developing gradually, give the flow itself a new direction».

Grabar remained faithful to these provisions in his research activities, skillfully combining in monographs on the law of war ("Declaration of War in Modern International Law", "Right of War", "Prize Law", "Armed Neutrality", which attracted attention to the compactness of the volume and the accuracy of the documentation and thoroughness of the decoration) the systematic nature of the lawyer and the subtle sober analysis of the historian.

It was these qualities, combined with the brilliant study of the history of the RussianTurkish agreements on the Black Sea straits in the late 18th and early 19th centuries, that VE delivered. Grabar gold medal of the Russian Academy of Sciences in 1911 for a critical review published in 1910 of Goryainov's book "The Bosphorus and the Dardanelles." On two and a half dozen review pages, the reviewer showed better knowledge of literature and archival materials than the author of the book under review in more than 500 pages, and, most importantly, managed to give a clear history of the issue in the light of both Russian and Western sources.

Grabar himself showed a bold and consistent positivism in his sensational study, *The Beginning of Equality of States in Modern International Law* (1912). In the wellknown dispute between scientists Baty and Pollock about the political and legal equality of states, Grabar supports Pollock, but takes his own independent position.

It should be emphasized that Grabar's thought has nothing to do with the latest fabrications of the bourgeois jurists of the period of imperialism about calling large states to domination and leadership and about the need for them to master large spaces. Grabar takes into account the danger and sometimes the absurdity of the situation in which countries, accounting for a total of half of the population of a great power, can achieve a decision at the international conference that is offensive to this power and contradicts the interests of international law; he

also takes into account the fact that, according to positive international law, the number of the population of a given country was already taken into account at the beginning of the 20th century. In the organization of international prize courts, the Hague Offices and, we add, was taken into account later in the organization of the budget of the League of Nations.

V.E. Grabar, however, resolutely denies all attempts to transform international law into the external state law of any individual power. The excesses in this direction, observed in the work of E.A. Korovin "International Law of the Transition Period", met a critical analysis of Grabar in his sketch "International Law from the Point of View of a Soviet Lawyer" (1925).

In the 20s of XX century. in a number of interesting analyzes of Western textbooks and such monographs as Geramek's book *The Monopoly of Foreign Trade* (1928), Grabar did a lot to critically familiarize Soviet scientific youth with Western literature.

As a lawyer, Grabar and himself in the old and new works to a positive direction. Without going through the Marxist school, he does not provide in his monographs a broad class analysis of the environment surrounding one author or another, or the views expressed by this author, but he is able to convey the content of the author's views or the content of the diplomatic act with such precision and structural clarity that the necessary social conclusions they ask for the reader by themselves.

Thus, in the *History of Air Law*, written by Grabar in 1927 and representing the only historical and legal work in this area in Russian so far, Grabar was able to perfectly show how the development of technology, new economic needs and revolutionary growth lead to new legal problems and new branches of law. Of interest and written by V.E. Grabar several paragraphs of the historical chapter of the textbook "International Law", published by the Institute of Law of the USSR Academy of Sciences in 1947.

The main work of Grabar is considered to be a master's thesis on Roman law in the history of international legal studies (XII-XIV centuries). In this book, Grabar shows how Italian schools of glossaries and post-glossators resolutely embarked on the path of creating new legal norms outlined earlier by canonists, and how, thanks to this, "the field of international state relations was separated into a special department of the law of peoples and the associated natural law".

In the work "The Holy Roman Empire in the views of publicists of the early XIV century." Grabar showed a turning point in the history of international law, created with the beginning of the collapse of the "Roman Empire of the German Nation". Dante Alighieri's thoughts on international law and the work of the little-known Austrian publicist Volkersdorf, whose consonance shows the full intensity of the economic and cultural ties between Germany and Italy of that time and reveals a deep crisis of the idea of a world monarchy, are examined here. In this work, an almost 80-year-old author showed a rare freshness of thought and an even more rare knowledge of bibliography.

The same properties are distinguished by the work of V.E. Grabar on the history of literature of international law in Russia. Excerpts from this book were reported by Professor Grabar at meetings at the Institute of Law of the Academy of Sciences of the USSR, at the All-Union Institute of Law, at the Department of International Law of the Law Faculty of Moscow University, and were always of great interest. This capital work was the logical conclusion of the whole life's journey of V.E. Grabar. On this way he served our Motherland with honor. His works are a valuable contribution of legal and historical knowledge to the great work of building a Soviet socialist society — that building, for the erection of which, as Lenin pointed out more than once, it is necessary to know the historical heritage, to study it seriously and deeply.

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